

## **RESOLUTION 39-2008**

### **RESOLUTION ANNEXING ADJACENT TERRITORY TO THE MONTANA CITY FIRE DISTRICT**

**WHEREAS**, pursuant to § 7-33-2125, MCA, the Board of County Commissioners received a petition requesting the annexation of certain lands adjacent to the Montana City Fire District in Jefferson County. The matter having been published legally on October 1 and October 8, 2008 and now this matter having come before the Board of County Commissioners of Jefferson, Montana for hearing on October 14, 2008 at 2:00 pm; with said Board of County Commissioners having held an open meeting, heard statements and evidence and having reviewed the Petition and various other documents and maps; and with the said Board of County Commissioners being duly advised in the premises; and,

**WHEREAS**, the Board of County Commissioners of Jefferson County, Montana, has received a written Petition, signed by fifty percent (50%) or more of the owners of the area of privately owned lands proposed to be annexed, seeking the annexation to the Montana City Fire District of adjacent lands; and that said Petition appears to be in proper form and free from legal defect in all respects; and,

**WHEREAS**, the area subject to the said Petition constitutes lands adjacent to the existing Montana City Fire District that said area and lands are not already part of any fire district; and,

**WHEREAS**, the area of adjacent lands, subject to the Petition, are described in Exhibits "A" and "B" hereto, which exhibits are by this reference incorporated in these Findings and made a part hereof; and that Exhibit "B" includes a map of the area as an attachment; and,

**WHEREAS**, the Clerk and Recorder of Jefferson County, has examined said Petition and has determined that the same has been signed by the owners of fifty percent (50%) or more of the said area of adjacent, privately owned lands; and the said Clerk and Recorder has further certified to this Board of County Commissioners that the signers of the Petition constitute a majority of the taxpaying freeholders, within such area, whose names appear on the last completed assessment roll; and,

**WHEREAS**, the said Petition has been presented to the Board of Trustees of the Montana City Fire District and has been approved by said Trustees; and that said Trustees are willing and able to provide fire protection services to the area subject to the Petition; and,

**WHEREAS**, due and proper notice of the hearing of said Petition, was duly published in the *Whitehall Ledger*, the newspaper designated by the Jefferson County Board of County Commissioners, respectively, for the publication of legal notices, in the manner required by law; and,

**WHEREAS**, the Board of County Commissioners has received no written protest petition, nor any other written or oral objections to the proposed annexation of adjacent lands; and,

**WHEREAS**, pursuant to § 7-33-2125, MCA, the annexed territory is required to become liable for outstanding warrants and/or bonded indebtedness, if any, of the original district.

**NOW, THEREFORE**, on the basis of the foregoing findings, this Board of County Commissioners of Jefferson County, Montana, hereby resolves:

1. That this Board of County Commissioners has jurisdiction over the subject Petition and over these proceedings.
2. That the area described in Exhibits "A" and "B" (including the map) which are adjacent to the existing Montana City Fire District, ARE ANNEXED to the said Montana City Fire District.
3. That, hereafter, at all times and for all purposes, the Montana City Fire District shall comprise and include not only those lands presently included within said Fire District's boundaries, but also all of the privately owned lands described in Exhibits "A" and "B" hereto.
4. That such annexed lands and territory shall be hereafter liable for any outstanding warrants and any bonded indebtedness of the original Montana City Fire District per statutory requirements.

**DATED** this 14<sup>th</sup> day of October, 2008.

ATTEST:

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BONNIE RAMEY  
CLERK AND RECORDER



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KEN WEBER, CHAIR



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CHUCK NOTBOHM, COMMISSIONER



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TOM LYTHGOE, COMMISSIONER

## EXHIBIT "A"

The legal description of the property is as follows:

A TRACT OF LAND LOCATED IN THE NE ¼ OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 3 WEST, P.M.M., LEWIS AND CLARK, AND JEFFERSON COUNTY, MONTANA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, BLACK EAGLE MINOR;  
THENCE S 89°51'39"E 476.28 FEET; THENCE S 00°06'20"W 251.99 FEET;  
THENCE S 74°19'23"E 464.62 FEET; THENCE S 36°30'00"W 365.00 FEET;  
THENCE S 89°44'27"W 151.00 FEET; THENCE S 00°09'57"W 129.90 FEET;  
THENCE N 89°45'07"W 85.36 FEET;  
THENCE N 00°09'57"W 31.96 FEET TO THE NORTHERLY R/W LIMIT OF SOUTH HILLS ROAD;  
THENCE N 79°05'24"W 348.09 FEET ALONG SAID R/W LIMIT TO THE COUNTY LINE;  
THENCE N 27°41'03"W 35.73 FEET; THENCE N 18°13'54"W 440.39 FEET;  
THENCE S 85°14'07"E 90.42 FEET;  
THENCE N 16°32'34"W 242.92 FEET TO THE POINT OF BEGINNING;


THE TRACT CONTAINS 10.038 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING EASEMENTS AND DOCUMENTS OF RECORD.

EXHIBIT "B"

# AMENDED PLAT OF LOT 2A - BLACK EAGLE MINOR SUBDIVISION VICINITY MAP

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## Legend

-  Subject Property
- Fire Districts**
-  RFD\_NAME
-  HELENA
-  LEWIS AND CLARK COUNTY
-  MONTANA CITY

